

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTOPHER JULIAN MORRIS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CONSTANCE MORRIS,

Respondent-Appellant.

UNPUBLISHED
September 22, 2005

No. 261055
Wayne Circuit Court
Juvenile Division
LC No. 00-386457

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent appeals by delayed leave granted from the trial court's order removing the minor child from her custody and placing him in foster care. We affirm.

We reject respondent's challenge to the trial court's finding that continuing the child in her residence was contrary to the child's welfare. See MCR 3.965(B)(1). This Court reviews the trial court's factual findings for clear error. A finding is clearly erroneous if, although there is evidence to support it, the Court is left with a definite and firm conviction that the trial court made a mistake. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

The evidence showed that at the time of the November 2004, hearing on the petition for change of placement, the child had been in care since February 2000, because of neglect and lack of appropriate supervision. After years of intervention and services, the child was returned to respondent's custody in January 2004, subject to in-home services. Approximately three weeks after the child was returned, respondent terminated the in-home services. Furthermore, respondent moved from her residence in February 2004, without advising the caseworker or the court of the child's whereabouts. In fact, between January and November 2004, respondent had at least four different residences. Because of respondent's mobility and lack of communication with the caseworker and the court, the caseworker was unable to visit the child to monitor his progress between February and November 2004.

Moreover, one of the primary reasons the child was adjudicated in 2000, was respondent's neglect of his education. After the child was returned to respondent's care in January 2004, he attended school for approximately three weeks, but there was no evidence that he attended any school between February and June 2004. Although respondent enrolled the child in a summer program for July and August 2004, the child did not attend any of the classes. Additionally, there was no evidence that the child attended any school between September and November 2004. Although respondent claimed to be home-schooling the child, she admitted that the progress was "slow."

Contrary to respondent's position, simply sending the caseworker some faxes purporting to schedule a meeting was not enough to preclude removal of the child under the circumstances. Rather, the evidence clearly established that soon after the child was placed in respondent's care, she failed to make the child available to the caseworker, failed to participate in court-ordered in-home services, and neglected the child's education. Additionally, as noted by the trial court, respondent's conduct and psychological capacity required further evaluation. The trial court did not err by removing the child from respondent's care.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio